



We the People *For The Record*

ADVISE & CONSENT WORKING GROUP

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The Hill's Geoff Earle reports that "If Republicans seek to break the Democrats filibuster of judicial nominees; they would have to do so over the objections of Senate parliamentarian, according to Senate Minority Leader Harry Reid (D-NV).

FACT

The Constitution gives the Senate the power to govern itself and to establish and interpret its own procedures. The Senate exercises this power by making rules, setting precedents, and passing standing orders. Many of the procedures that govern the Senate today were created through precedents created by simple majority vote (some recent examples below). History belies any claim by the minority that the Senate has no ability to act to ensure a fair, up-or-down vote on judicial nominees.

As Majority Leader, Sen. Robert Byrd (D-WV) initiated four precedents that allowed a simple majority to change Senate procedures without altering the standing rules.

- Sen. Robert Byrd, *Congressional Record*, 1977, pp. S31916-27;
- Sen. Robert Byrd, *Congressional Record*, 1980, pp. S4729-32;
- Sen. Robert Byrd, *Congressional Record*, 1979, pp. S31892-94;
- Sen. Robert Byrd, *Congressional Record*, 1987, pp. S12252-60